



## WHISTLEBLOWING POLICY

<b>Approving Authority</b>	Council
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## 1. INTRODUCTION

- 1.1. It is fundamental to any organisation that its employees, customers and other stakeholder are loyal to the organisation and do not disclose confidential information outside the University without exhausting the internal process first. The University recognises that its employees, students and other stakeholders may discover information which they believe shows wrongdoing or malpractice within the University. The University makes it possible for such information to be disclosed without fear of reprisal.
- 1.2. This Policy is anchored on the Whistleblowing Act which came into effect in November 2016. The Act gives legal protection to persons against being victimised as a result of disclosing certain impropriety and the University subscribes to its provisions.
- 1.3. The Policy shall be made available and published publicly via the University website ([www.bou.ac.bw](http://www.bou.ac.bw)).

## 2. DEFINITIONS

“Malpractice” shall mean the failure to act correctly/legally when doing ones job;

“Impropriety” shall mean the failure to observe standards of honesty and proper behaviour; and

“Wrongdoing” shall mean illegal or dishonest behaviour.

## 3. PURPOSE

- 3.1. The purpose of this Policy is to :
  - 3.1.1 assist and enable University employees, students and stakeholders to raise concerns or to disclose information which they believe, in good faith, may indicate malpractice, in the knowledge that their concerns will be taken seriously and investigated as appropriate.
  - 3.1.2 to provide an internal mechanism for reporting, investigating and remedying wrongdoing as well as provide guidance on how to raise those concerns/report;

- 3.1.3 reassure all that they can raise genuine concerns without fear of reprisal even if they turn out to be mistaken.

#### **4. SCOPE**

- 4.1. Any employee, student or other stakeholder who has a reasonable belief that there is malpractice, impropriety or wrongdoing in the institution which is in the University's or public interest to disclose, may raise a concern under this Policy. The protected disclosures include the following although the list is not exhaustive:
  - 4.1.1. financial malpractice or fraud;
  - 4.1.2. failure to comply with a legal obligation or with the rules and regulations of the University;
  - 4.1.3. dangers to health and safety or the environment;
  - 4.1.4. criminal activity;
  - 4.1.5. academic or professional malpractice, which includes matters such as research misconduct and non-application of the University's academic procedures and systems;
  - 4.1.6. improper conduct or unethical behaviour;
  - 4.1.7. miscarriage of justice; and
  - 4.1.8. attempts to conceal any of the above.
- 4.2. This Policy does not apply to personal grievances or complaints which will be dealt with under existing internal procedures on grievance, discipline and misconduct.
- 4.3. As part of its day to day conduct of business, the University takes decisions under established and reasonable procedures. It is not intended that the procedure laid in this Policy will allow such decisions to be questioned unless on grounds of malpractice, impropriety or wrongdoing.
- 4.4. Disclosures must be raised:
  - 4.4.1. without malice;
  - 4.4.2. in good faith and not for personal gain; and
  - 4.4.3. the individual must reasonably believe that the information disclosed and any allegations contained in it are substantially true.

## **5. RELATED DOCUMENTS**

This Policy must be read with the Whistleblowing Policy Procedures; the Anti-Corruption Policy, the Conditions of Service, Conflict of Interest Policy, Code of Conduct, Academic Policies and Regulations and related legislation including but not limited to the BOU Act, Whistleblowing Act, Public Finance Management Act, Employment Act, Public Service Act, Penal Code, Corruption and Economic Crime Act and the Financial Intelligence Act.

## **6. POLICY STATEMENT**

- 6.1. The University is committed to the highest standards of honesty, openness and accountability. It recognises that individual members of staff, its students and its stakeholders have an important role in helping to achieve this aim.
- 6.2. The University commits itself to encouraging a culture of openness. This will be done by:
  - 6.2.1 involving the employees, the students and other stakeholders, listening to their concerns and encouraging the appropriate use of this Policy and the process on whistleblowing; and
  - 6.2.2 reporting annually to Council on the number of fraud, corruption matters or any malpractice reported and the outcome.
- 6.3. The University encourages individuals who have knowledge, or reasonable suspicion, of wrongdoing to come forward and report the matter to the University. The University takes all wrongdoing seriously and believes that any evidence suggesting such behaviour should be investigated thoroughly and action taken accordingly.

## **7. POLICY IMPLEMENTATION**

### **7.1 DISCLOSURES**

The University provides for both anonymous and non-anonymous disclosures.

### **7.1.1 Anonymous disclosures**

Individuals can make anonymous disclosures to a hotline maintained through an independent service provider as will from time to time be identified by the University.

### **7.1.2 Non anonymous Disclosures**

Individuals can make disclosures to the Vice Chancellor in accordance with the Procedure attached hereto. Where the allegation directly concerns the Vice-Chancellor, or his/her involvement would not be appropriate for any other significant reason, the matter will be referred by the Vice Chancellor to the Chairperson of the Council Audit, Risk & Compliance Committee for appointment of another Senior Executive.

## **7.2 PROTECTION/SAFEGUARDS FOR WHISTLEBLOWERS**

7.2.1 Management will ensure that a whistleblower is not subjected to victimisation for making a disclosure. The Policy offers protection against dismissal or other penalty by the University to those individuals who disclose any relevant concerns, provided that the disclosure is made as per clause 4.4 above.

7.2.2 A whistleblower will be considered as having been subjected to victimisation if, as a result of having blown the whistle:

#### **7.2.2.1 The Employee:**

- is dismissed or suspended from work;
- his/her post is declared redundant;
- is denied deserved promotion;
- is transferred by the employer;
- is harassed or intimidated by the employer or fellow employees;
- is threatened by the employer with any of the above matters; and
- is subjected to any form of discrimination by the employer or fellow employees.

7.2.2.2 Students or other stakeholders are subjected to any form of discrimination by the University.

- 7.2.3 A whistleblower shall not be liable to civil or criminal proceedings in respect of a disclosure made in good faith.

### **7.3 APPEALS**

- 7.3.1 The University cannot guarantee that a whistleblower will obtain the outcome that they were seeking. However it endeavours to deal with any concern raised fairly.
- 7.3.2 If the individual making the disclosure is dissatisfied about how an inquiry was carried out, and its resultant outcome, then he/she may appeal within seven days of receipt of outcome, only on procedural grounds, to the Chairperson of the Council Audit, Risk & Compliance Committee, who may order a procedural review. In this case the Chairperson will set a committee for the review and provide the terms of reference for same. The Chairperson will then based on the procedural review outcome take a decision.
- 7.3.3 Should the individual be dissatisfied with this outcome, he/she may within seven days of receipt of outcome, appeal to the Chairperson of Council, whose decision is final.

### **7.4 EXTERNAL DISCLOSURES**

As set out above in Clause 3, the aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying wrongdoing at the University. An individual should therefore not alert anyone externally before internal procedure prescribed in the Policy Procedures is exhausted. The law recognises that in some circumstances, it may be appropriate for an individual to report their concerns to an external body such as a Regulator or the Police. Be-that-as-it-may, the University encourages that reports be made to the University first. The University also recognises that it will be inappropriate to inform the media without first exhausting the internal procedures prescribed— The University strongly advises any individual considering to report a concern externally to first seek advice within the University.

## **7.5 CONFIDENTIALITY**

The University aims to treat all disclosures and information regarding any action taken under this Policy in a confidential and sensitive manner, in particular:

### **7.5.1 Individual making a disclosure**

The identity of the individual making an allegation will remain confidential, unless otherwise agreed with that individual, as long as it does not hinder or frustrate the investigation and is compatible with natural justice. However, the investigation process may at some stage need to reveal the source of the information, and the individual making the disclosure may at that stage need to provide an attributable statement as part of the evidence to be presented.

### **7.5.2 Named individual**

During the course of any investigation the University will, as far as is reasonably possible without prejudicing that investigation, endeavour to maintain confidentiality regarding the names of any person/people named in an allegation.

## **7.6 UNSUBSTANTIATED ALLEGATIONS**

7.6.1 No action will be taken against an individual who makes an allegation in good faith even if it is not confirmed by subsequent investigation. If, however, an individual makes what are subsequently determined by the Vice-Chancellor or the Chairperson of the Audit, Risk & Compliance Committee to be malicious allegations or made for personal gain, and particularly if he or she persists in making them, disciplinary action may be taken. A disclosure may be deemed malicious at any stage of the procedure.

7.6.2 If an individual raises matters of concern outside the University, without first using this Policy, he/she shall be in breach of the Policy. This is potentially a disciplinary offence, especially if it causes, or might have caused, unnecessary reputational damage to a member of the University or to the University itself.

7.6.3 The University considers it inappropriate for matters to be raised publicly in the media before an investigation is completed.

## **7.7 REPORTING ON DISCLOSURES**

A report summarising all disclosures and any subsequent actions taken will be made by the Vice-Chancellor to the Council Audit, Risk and Compliance Committee and to Council.

## **8 REVIEW**

The Policy will be reviewed every three years or as earlier as necessary.